

## **Region 1**

### **Region 1 Weekly Report**

**June 21, 2018**

#### **Hot Topics**

##### **EPA Advances Compliance with Lead Contractors in Maine, New Hampshire**

As of June 18, EPA contacted over 400 contractors in the New Hampshire and Maine seacoast areas who perform work involving the disturbance of lead-based paint. Approximately 10% of these contractors will undergo inspections this summer as part of the region's 4<sup>th</sup> geographic initiative, consistent with the Administrator's commitment to reducing childhood lead poisoning in vulnerable communities.

##### **EPA, States, and USGS Focus on Nutrients**

On June 18, Region 1 and ORD hosted a Nutrient Innovation Showcase, highlighting nutrient challenges on Cape Cod and across the nation. Also discussed were advances in nutrient treatment technology, and watershed-scale science and technology for addressing nonpoint source nitrogen problems. Technology demonstrations of winning solutions from recent innovation challenges rounded out the event at the USGS Woods Hole, Massachusetts facility.

On June 19, Region 1 and the Office of Water supported ORD's Visioneering II meeting also in Woods Hole. The ORD-hosted meeting was intended to help identify new challenge incentives to help solve nutrient issues facing the nation. Both meetings included representatives from ORD, the states, NGOs, the private sector, and academia.

##### **Estuary Partnership Advances Cross-Sector Nutrient Action Plan**

On June 21, RA Dunn joined the Casco Bay Estuary Partnership (CBEP) for their Nutrient Council meeting. This EPA funded initiative is collaboratively advancing recommendations to policy makers, regulators and funders on how to best manage the impacts of nutrients on Casco Bay in southern Maine. Following the meeting Dunn toured the bay with the Portland Water District and the Casco Baykeeper.

#### **Upcoming Major Decisions and Events**

##### **New England PFAS Community Engagement Event**

Region 1 and HQ are hosting the first EPA PFAS Community Engagement Session and Regional Workshop on June 25 and 26 in New Hampshire. Community groups from PFAS-impacted areas are presenting, as well as state partners. The event advances Administrator Pruitt's commitment to taking strong action on PFAS with nationwide community engagement.

##### **Region Continues Tribal Engagements**

Next week RA Dunn will meet with Vice Chairman Gessner of the Mohegan Tribe. She will also meet with Chairwoman Andrews-Maltais of the Wampanoag Tribe of Gay Head – Aquinnah, an excellent partner with EPA on beach monitoring.

## Region 2

### REGION 2 WEEKLY HIGHLIGHTS TO ADMINISTRATOR WEEK OF 06/22/18

#### Hot Issues:

**Contract Operator of 2 USVI Sewage Plants Ceases Work:** Veolia, the contract operator of the St. Thomas and St. Croix plants, is ceasing operations on 6/22 because it is owed more than \$5.6 million by the VI Waste Management Authority (VIWMA). Veolia is transitioning operation of the plants to VIWMA, the owner (and, legally, the operator) of the facilities. The existing Consent Decree between the US and the USVI requires the retention of a contract operator until 2027. For VIWMA to be allowed to operate the plants, the Decree would need to be modified. The federal court is holding a hearing on the matter on 6/25. On 6/19 Veolia moved to intervene in the case arguing, among other things, that VIWMA is not capable of properly running the plants; as evidence, Veolia asserts there has been significant non-compliance at three VIWMA-operated facilities during the past year. EPA and DOJ are considering whether to oppose Veolia's intervention, and whether the US can support amending the Decree to relieve VIWMA from the private operator obligation. We may propose that VIWMA be given the opportunity to demonstrate its capability over the next year; if VIWMA's performance is satisfactory, the Decree could then be further modified. We believe any action by Veolia for breach of contract should be pursued separately from the ongoing Clean Water Act case between the US and VIWMA.

**Tenants Seeking to Intervene in Case against New York City Housing Authority.** On 6/19 two groups representing tenants of the NYC Housing Authority moved to intervene in the US' action against NYCHA (proposed Consent Decree lodged 6/11). They assert the Decree violates their statutory and regulatory rights, including by not giving them a role in overseeing the monitor called for by the Decree, and an opportunity to have an impact on the action plans the monitor will be developing. They assert the funding the Decree requires NYC to provide NYCHA is inadequate to fix the problems. The groups have a separate lawsuit against NYCHA in state court, dealing with some of the same issues as the US' suit.

**Law Passed on 6/20 for Privatization of PREPA's Assets:** The law authorizes PREPA and the PR government to sell any PREPA assets related to energy generation, and transfer or delegate any operation/function/service to one or more bidders. Transactions must be approved the PR Legislature.

**Center for Biological Diversity Lawsuit- SO2 SIPs:** The Center for Biological Diversity filed suit on 6/14 over EPA actions related to SO<sub>2</sub> nonattainment plans (for both the 2010 and the 1971 SO<sub>2</sub> NAAQS). NJ did not submit a nonattainment SIP for Warren County for the 1971 SO<sub>2</sub> NAAQS, and was included in the suit, which asks that EPA find a failure to submit. The 1971 designation, finalized in 1987, designated parts of the county as nonattainment. Emissions from PA sources were identified by NJ as contributing to modeled exceedances; these have been controlled. We expect to prepare a Clean Data Determination to suspend the SIP requirements for the area, using what we believe is a representative monitor; and we will discuss with NJ the potential for redesignation and a limited maintenance plan.

#### Upcoming:

**Love Canal, Niagara Falls, NY:** PBS NewsHour is planning a 40<sup>th</sup> anniversary story on the legacy of Love Canal, to air nationally in August. PBS is interested in EPA oversight and testing, and seeks a phone interview with EPA this week. RA Pete Lopez is expected to do the interview and has been briefed.

**NGO to Provide Assistance to Non-PRASA Water Systems in PR.** The Foundation for Puerto Rico, an NGO working on relief efforts, is partnering with Por Los Nuestros (PLN), an independent citizen committee, to raise funds and help provide sustainable solutions. PLN wishes to collaborate with EPA and other agencies and NGOs to assist in addressing challenges faced by non-PRASA drinking water systems. They received a \$6M

grant which they will use to provide energy independence to these vulnerable systems with solar energy, and will also provide capacity building and compliance assistance.

## Region 3

### Hot Topics

#### **EPA-PADEP Meeting on PCB Containing Materials Maps a Path forward to Ensure Regulatory Consistency**

- On June 19, 2017 EPA met with senior officials from the Commonwealth of Pennsylvania Department of Environmental Protection (PADEP) to discuss the use of polychlorinated biphenyls (PCBs) containing material within the Commonwealth which exceeds federal limits established pursuant to the Toxic Substances and Control Act (TSCA) and its implementing regulations. Pursuant to TSCA, the use of PCB containing material at concentrations of 2 ppm total PCBs and greater is not authorized. Currently, the PADEP General Permit for Beneficial Use Permit allows materials containing up to 484.5 ppm of total PCBs to be used as construction fill. In addition, the PADEP Clean Fill Policy allows materials containing up to 78 ppm of total PCBs to be used in an unrestricted and unregulated manner. Therefore, the PCB levels allowed by both the Beneficial Use Permit and the Clean Fill Policy exceed the federal TSCA PCB use authorization level and create regulatory uncertainty, and risk in the regulated community and the environment. EPA and PADEP agreed to develop a Memorandum of Agreement by July 31<sup>st</sup> which will delineate the steps the two Agencies will implement from this date to the end of the calendar year 2018. These steps include the incorporation of language in the State's general permit application and Clean Fill Policy requiring the permit applicant to obtain EPA approval of PCB containing materials intended for use as construction fill prior to acceptance. This interim measure will be followed by the State's Beneficial Use Permit, which is undergoing renewal of its term, to be updated so that it is consistent with the TSCA requirements. The MOU will reflect this update to be in place by December 2018 (current expiration date of the GP).

#### **LCD Conducts Mid-Year Review of PADEP RCRA C Program**

On May 31, 2018, representatives from LCD met with the PADEP Hazardous Waste Program for the fiscal year 2018 (FY18) mid-year meeting. PADEP is on track to meet or exceed all FY18 compliance and inspection commitments, while also balancing a heavy permitting workload. In the Corrective Action program, PADEP continues to support LCD's efforts, including building capacity to take on long-term stewardship responsibilities for corrective action sites and offering grant-funded contract support for site assessments. PADEP was also the first state in Region 3 to adopt the new Generator Regulations, as well as the most recent revisions to the Definition of Solid Waste Rule. PADEP is currently working on an authorization revision package to incorporate recent rulemakings into the authorized program.

#### **Allegheny County Health Department Visits EPA Region 3**

On June 6 and 7, 2018, the air permitting manager and the air enforcement manager from the Allegheny County Health Department (ACHD) met with various members of the Region 3 Air

Protection Division in Region 3 offices. Topics covered included the ACHD title V program evaluation report (which was signed on May 29), compliance and permitting issues related to the ATI Flat Rolled Products Facility, and ACHD's progress on Reasonably Available Control Technology (RACT II) permits.

### **Potential Nutrient Reductions and Energy Savings at Schuylkill Haven Treatment Plant**

On June 13, the Water Protection Division's Sustainability Team met with the Borough of Schuylkill Haven, Pennsylvania sewage treatment plant staff to begin a nutrient optimization assessment. In collaboration with the Pennsylvania Department of Environmental Protection, several probes for monitoring dissolved oxygen, nitrate, pH, oxidation reduction potential, temperature, ammonia, and suspended solids levels were deployed. The plant will be monitored at normal operation for at least a week to develop a baseline. Once the baseline is established, the plant staff will begin process changes, with the Team's assistance, to determine if any small changes could result in nutrient reduction and energy savings.

### **Western PA Integrated Water Resources Plan**

On June 14, invited by the Westmoreland County Conservation District Board Chairman, Regional Administrator Cosmo Servidio and Ag Advisor Kelly Shenk participated in a stormwater water quality discussion of the county's Integrated Water Resources Plan and viewed stormwater demonstration projects on their office campus and at the Westmoreland Community College. The conservation district is playing a lead role in designing, implementing and monitoring green infrastructure practices to control stormwater runoff, as well as educating both engineers and the citizenry about the importance of stormwater management practices. The Conservation District emphasized the importance of EPA Nonpoint Source Management funding (319) and wants to explore the feasibility of expanding the use of 319 funding to other watersheds to implement green infrastructure practices.

### **[ [HYPERLINK "https://cumulis.epa.gov/supercpad/cursites/csinfo.cfm?id=0302884"](https://cumulis.epa.gov/supercpad/cursites/csinfo.cfm?id=0302884) ] Proposed for Deletion from National Priorities List, Morgantown, West Virginia**

On June 20, 2018, EPA will announce its intent to delete and invite the public to comment on EPA's Notice of Intent to Delete (NOID) the Ordnance Works Disposal Areas (OWDA) Superfund Site from the National Priorities List (NPL). A public notice will be printed in the local newspaper in coordination with the publishing of the Notice of Intent to Delete in the Federal Register. EPA, with state concurrence, determined that: 1) all site cleanup goals have been met; 2) no further response is necessary; and, 3) the remedy is protective of public health and the environment in the long term. A 30-day public comment period begins June 20, 2018 and runs through July 20, 2018.

### **Groundbreaking of the new Green Knight Industrial Park Brownfield Site, Wind Gap, PA**

A construction groundbreaking event will be held on June 22, 2018 at the former JH Beers slate quarry and tire dump brownfields site, one of the largest tire piles in Pennsylvania housing close to 2 million tires. The Lehigh Valley Economic Corporation and Northampton County partnered to use \$776K in Brownfields assessment and cleanup funds. Green Knight Economic Development Corporation (GKEDC) will develop the property. When completed the site will include 10 lots, totaling

approximately 200,000 square feet of building space. GKEDC estimates the project will generate \$300,000 annually in tax revenue, create approximately 280 jobs and leverage \$10M in private investments for the county of Northampton.

### **Release of Phase III WIP Expectations**

The expectations document for the jurisdictions' Phase III WIPs was released on June 20. The document is designed to help maintain accountability in the work under the 2010 Chesapeake Bay Total Maximum Daily Load (Bay TMDL), encourage continued adaptive management to the new information generated during and after the Bay TMDL 2017 midpoint assessment, and lay the groundwork for implementation of the next generation of innovative practices. At the same time, EPA released specific Phase III WIP expectations for the Commonwealth of Pennsylvania to help ensure Pennsylvania is on track for meeting their water quality goals under the Bay TMDL by 2025. EPA also released draft federal agency expectations for the development of federal water quality milestones and the role federal agencies can play in the development and implementation of the jurisdictions' Phase III WIPs. EPA sent the draft federal expectations to the Principals' Staff Committee for their review.

### **Upcoming Major Decisions and Events**

Regional Administrator Cosmo Servidio has the following events scheduled:

- June 27, 2018 – Farm Bureau Roundtable, Davidsonville, MD
- June 27, 2018 – Chamber of Commerce Meeting, Annapolis, MD
- June 27, 2018 – Civics Works Graduation Ceremony (Keynote Speaker), Baltimore, MD

## Region 4

### Hot Issues

#### **Alabama Board Requirements Approval**

##### **Key Message:**

During the week of June 25, 2018, Region 4 Administrator Trey Glenn anticipates signing the final state implementation plan (SIP) approval for the Alabama permit board requirements. EPA previously disapproved Alabama's infrastructure SIP because the State did not have provisions to address Clean Air Act (CAA) 128 requirements related to permit boards in their SIP as required by CAA 110(a)(2)(E)(ii). Alabama has since submitted a SIP to address the CAA 128 requirements and EPA is finalizing approval of this SIP revision. The approval of Alabama's SIP to address CAA 128 requirements allows EPA to convert the previous disapprovals for the infrastructure SIPs to approvals. There is current litigation to compel EPA to address the CAA 128 requirements for Alabama. EPA's approval of Alabama's SIP moots this litigation.

#### **Florida Clean Water Act (CWA) 404 Assumption**

##### **Key Message:**

Florida has delayed the date for the EPA review of their CWA Section 404 assumption program to accommodate their rulemaking process. Due to Florida's publication of a Notice of Rule Development in early May and the subsequent public meetings and extended public comment period, Region 4 anticipates the adoption of the necessary rules by mid-September assuming no challenges. EPA and Florida are close to finalizing a Memorandum of Agreement that outlines how Florida will run the program, including the implementation approach for the delineation methodology, and how EPA will interact with the state although EPA is still discussing how the ESA will be implemented once the state takes over the program. There are a number of other program submittal requirements that Florida is working to part of the complete package submitted to EPA Region 4 for review and action. Upon receipt of a complete package, EPA has 120 days to complete its review.

### **Upcoming Major Decisions and Events**

#### **Decisions**

**Grenada** – The Region's position based on the information and proposed remedy submitted by the PRP.

**Meeting with TVA.** On June 26, 2018, Region 4 Administrator Trey Glenn will have a meet and greet with TVA leadership. Atlanta, GA. Closed Press.

## Region 5

### **HOT ISSUES:**

#### **EPA Finds High Levels of Cancer-Causing Pollutant in Willowbrook, Ill.**

Key message: EPA has determined that ethylene oxide emissions from a Sterigenics facility in Willowbrook, Ill., may present an unacceptable cancer risk for nearby workers and residents. The facility is adjacent to Region 5's Willowbrook office and COOP site. On Friday, June 21, Region 5 will notify affected employees and issue a news release alerting the community.

After computer modeling suggested there could be elevated levels of ethylene oxide near the facility, Region 5 conducted air sampling in May 2018. That sampling corroborated the model, which estimates that residents could have an increased cancer risk of 1,000 in a million, assuming a 70-year lifetime of exposure. This is compared to an estimated national average air toxics cancer risk of 40 cases per million people.

#### **Indiana Governor's Office Objects to National Priorities Listing of Federated Metals Site**

Key Message: If the site is not placed on the NPL, the state will have to address remaining contaminated properties under their own authority.

Region 5's Superfund removal program is securing access and conducting an assessment to determine how many properties exceed removal action standards for lead in soil. As of June 15, EPA has obtained 173 access agreements and sampled 137 properties. Of the properties sampled, 41 exceed the removal management level and this number is expected to increase as June sampling data is received. The removal program is currently excavating properties that exceed 1,200 ppm with sensitive populations. Of the validated data received, eight properties meet these criteria. Two properties have been excavated and one property has been completely restored.

#### **Regional Administrator Stepp Facilitating Redevelopment Opportunities with Mayor of East Chicago, DuPont Site Developers and USS Lead Site PRPs**

Key Message: The DuPont developers are proposing to construct a hi-tech fulfillment center at the site, creating between 1,000 and 3,000 permanent jobs and providing a substantial boost to the local economy.

The DuPont facility is contiguous to the USS Lead Superfund site. The PRPs of the Superfund site, which includes the owners of the DuPont facilities, have developed a proposal to create a training center on Zone 1 of the USS Lead site. The training center would provide a skilled workforce for the proposed fulfillment center.

#### **EPA to Issue Draft Veolia Permit for Public Comment**

Key Message: Region 5 will soon issue a draft Clean Air Act (CAA) Title V permit for the Veolia hazardous waste incinerator in Sauget, Illinois, for public comment.

EPA will issue the draft Title V permit in accordance with the April 2018 settlement to resolve the Environmental Appeals Board appeal of the January 2017 permit. We expect significant public interest in this action and possible litigation.

#### **June 14 Notice of Intent to Sue Trump International Tower in Chicago**

Key Message: Environmental groups have filed a notice of intent to sue Trump International Hotel in Chicago, alleging improper permit language and permit violations.

As permitting authority, Illinois EPA intends to public notice an updated permit over the next few weeks that will address the concerns raised. The permit will also include a requirement that the permittee demonstrate compliance within 60 days of permit issuance.

**UPCOMING EVENTS/MAJOR DECISIONS:**

**Regional Administrator Stepp to Meet with American Petroleum Institute on June 26**

Key Message: RA Stepp will provide brief remarks about the Administrator's priorities followed by a Q&A session.



## Region 6

### Hot Topics

#### **HP Cylinders Emergency Response, Baytown, Texas**

Region 6 continues mobilization of specialized personnel and resources however, heavy rainfall during the week of June 18, created delays. The cleanup will address 1500 abandoned and deteriorating cylinders of dangerous compressed gases. The cleanup is expected to cost \$4.2 million and Region 6 has initiated this emergency response with \$1.8 million, requesting the additional \$2.4 million from HQ.

#### **Bird Creek, Osage County, Oklahoma**

Technical discussion with the Respondents continue to progress. Region 6 has proposed three technical options to the respondents to address elevated saline conditions in Bird Creek and resolve EPA's administrative orders. The DOJ, EPA and three Respondents will hold the next settlement meeting the week of [ HYPERLINK "x-apple-data-detectors://5" ]

#### **Mescalero Apache Tribe, New Mexico**

Region 6 met with the newly elected President of Mescalero Apache on May 22. Mescalero is under an EPA Consent Decree to address deficiencies in their 10 tribal drinking water systems, many that fail to meet Safe Drinking Water Act requirements for operations and maintenance. Periodic drinking water samples are not violating the MCLs. However, 3 systems (serving about 2,000 Tribal members) showed significant deficiencies during recent system audit and 2 more systems audits scheduled next month are expected to show deficiencies also. Region 6 is contemplating issuing a federal boil water notice to 2,000 system users until corrective actions are taken by the Tribe, which could take up to 2 years.

#### **Blind Oso Bay, Corpus Christi, Texas**

Texas' 2018 Triennial Review of Water Quality Standards proposed to reduce dissolved oxygen criterion for the Blind Oso Bay to 1.5 mg/l. Oso Bay is a shallow body of saline water near the southern shore of Corpus Christi Bay, and currently for the highest category of aquatic life use. Region 6 and HQ Office of Water are closely reviewing the scientific defensibility of Texas' proposal. One of the city of Corpus Christi wastewater treatment plants discharges fresh water into the saline bay creating a unique freshwater marsh at the Hans and Pat Suter Wildlife Refuge. The city has raised concerns that the 1.5 mg/l dissolved oxygen criterion is necessary for their wastewater plant to continue to discharge into the Refuge. Local and Congressional interest is high.

#### **Tar Creek Superfund Site,**

Elevated blood lead level (11 micrograms per deciliter) has been identified in a 1 ½ year old child living in a residence near an old smelter associated with the Tar Creek Superfund site. Some parts of the property were remediated during cleanup activities several years however, access was not provided to portions of the property where soil concentrations of lead could be high. Additionally, the resident's drinking water well has an integrity failure and influence from groundwater contaminated with lead. Region 6 and ODEQ are working with the resident to provide an alternative source of drinking water and to permanently relocate the family under the original relocation program for Tar Creek.

#### **Denka, LaPlace, Louisiana**

This week, Louisiana Department of Health is expected to notify the Public-School District of their finding that relocation of Fifth Ward Elementary School students to another school will not significantly reduce public health risk. Region 6 continues to conduct ambient air monitoring for Chloroprene at 6 locations around the Denka plant in LaPlace, Louisiana. Data is available to the public on EPA's website. Since the installation of emission controls under state order, the concentrations of Chloroprene at each of the monitoring locations have declined. However, concentrations at all monitoring locations continue to be above the IRIS 70-year risk level of 0.2 micrograms per cubic meter of air. Denka has filed a Request for Reconsideration of EPA's denial of their appeal to the IRIS value, and has proposed use of a new PBPK model to assess chloroprene which is currently under review. EPA is also in settlement negotiations with Denka and Dupont regarding NESHAP violations found during the NEIC inspection at the plant. Denka and EPA ORD are scheduled to meet [ [HYPERLINK "x-apple-data-detectors://10"](#) ] On Friday, June 5, a Class Action Petition against defendants; Denka, DuPont, State of Louisiana through LDEQ and LDH was filed in the 40<sup>th</sup> Judicial District Court for St. John the Baptist Parish. Community and Media interest continue to be high.

### **Upcoming Major Decisions and Events**

#### **Wilcox Superfund Site, Bristow, Oklahoma**

Region 6 intends to release the \$4 million proposed plan to control nine sources of pollution located on the Wilcox Superfund site and hold a public meeting [ [HYPERLINK "x-apple-data-detectors://13"](#) ] in Bristow, Oklahoma.

#### **Arkansas 2012 PM2.5 Transport SIP**

Region 6 intends to propose approval of the 2012 PM2.5 Transport SIP for Arkansas. This proposal will begin a 30-day comment period.

#### **Oklahoma 2016 Air Permit Program Related Annual SIP Update**

Region 6 intends to propose approval of selected revisions to the Oklahoma SIP submitted in their 2016 Annual SIP Update to revise incorporation by reference dates and emission inventory reporting requirements to be consistent with federal requirements.

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[ <a href="#">HYPERLINK "x-apple-data-detectors://14"</a> ] Meeting, Austin, Texas	Independent Petroleum Association of America Midyear
[ <a href="#">HYPERLINK "x-apple-data-detectors://15"</a> ] Texas	Texas Farm Bureau Summer Conference, Marble Falls,
[ <a href="#">HYPERLINK "x-apple-data-detectors://16"</a> ] Louisiana	Ag Day at LSU Rice Research Center, Crowley,

## Region 7

### Hot Issues

#### West Lake Landfill Site Update (Bridgeton, MO)

Key Message: EPA Region 7 continues to prepare the Record of Decision amendment and conduct site coordination activities.

- Installation of the non-combustible cover continues in Area 2 of the site where radiologically impacted material is present at the ground surface. Efforts last week focused primarily on clearing vegetation. Construction of the rock cover was initiated this week.
- Work to support an amended ROD continues as the region prepares for upcoming senior leadership briefings. The region will be providing an update to headquarters staff on Friday, June 22.
- The Agency for Toxic Substances and Disease Registry released its Coldwater Creek Public Health Assessment on June 18. Though the two sites are closely associated by some members of the public, Coldwater Creek is being addressed separately by the U.S. Army Corps of Engineers under the Formerly Utilized Sites Remedial Action Program. The region has prepared a desk statement in case there are media inquiries.
- The site's community involvement coordinator is staffing the office located at the Bridgeton City Hall this week and attended Bridgeton's city council meeting on June 20.

#### Public Meeting at PCE Southeast Contamination Site (York, NE)

Key Message: Public meeting to be held next week on the Proposed Plan for the PCE Southeast Contamination Superfund site.

- On June 13, EPA issued a Proposed Plan with the Preferred Alternative to address contaminated soil at Operable Unit 1 of the PCE Southeast Contamination Site. EPA will hold a public meeting on the evening of June 25 in York, NE to share information on the Proposed Plan with the community

#### Oil Response Training and Exercise (Smithville, MO)

Key Message: EPA Region 7 hosted a series of well attended oil response trainings and exercises in Smithville, MO.

- EPA Region 7 hosted three oil response trainings and exercises at Smithville Lake in Smithville, MO in June. Approximately 50 people attended including EPA, state, and local response personnel.
- All participants benefited from hands-on experience in building low-cost and effective under-flow, deploying the oil containment boom, and skimming oil off the water surface. Region 7 is recognized nationally for having hands-on, experienced response personnel at the federal, state and local levels.

### Upcoming Events

#### Four State Director's Meeting

Key Message: On June 26-27, Regional Administrator Jim Gulliford, Deputy Regional Administrator Ed Chu, and several Region 7 senior staff members will attend the Four State Director's Meeting in Lincoln, NE.

- This meeting, held biannually, provides an opportunity for leadership from the state environmental agencies to come together with EPA to discuss priority issues.

## Region 8

### *Hot Issues -*

**UPDATE from 5/24 and 6/14: PFAS Contamination at Sugarloaf Fire Protection District in Boulder County** On Tuesday, June 19, the Sugarloaf Fire Protection District held a board meeting that was open to the public to inform local residents about PFAS in ground water.

Approximately 50-60 local residents attended the meeting and asked questions about how to have their well tested, other contaminants that may be present from past operations, and the best options for home water treatment systems. The tone of the meeting was positive, and attendees were appreciative of the work the fire district has done and the collaboration between government agencies. CDPHE plans to contribute \$10,000 toward additional sampling efforts and will likely request EPA support for future testing due to the high costs per sample. All agencies plan to meet in the next few weeks to review sampling results received to date and develop a plan for the next round of sampling (both spatially and temporally).

*Upcoming Decisions/Events – None*

## Region 9

### HOT TOPICS

1. **Hawaii Volcanoes:** RA Mike Stoker met with FEMA RA Bob Fenton to discuss our continuing support for the Hawaii Volcanoes response. We are working with the State to transition our air-monitoring capability over the coming month. We appreciate ORD's assistance in the recent focus on particulate pollution, in addition to SO<sub>2</sub>.
2. **CAA/Arizona Pb Plan:** RA Mike Stoker signed a Federal Register notice proposing approval of Arizona's plan for attaining the 2008 Lead (Pb) standard in the Hayden nonattainment area. The Asarco-owned Hayden smelter is the only major source in the area. Controls on the smelter and the ensuing air-quality gains are the result of many years of work with Arizona DEQ by various EPA programs.

### UPCOMING MAJOR ITEMS AND EXTERNAL ENGAGEMENT

1. **Pacific Island Directors meeting:** RA Mike Stoker hosted our annual three-day meeting of leaders from our territories (Guam, American Samoa, CNMI) and US Freely Associated States (Palau, Marshall Islands, Federated States of Micronesia).
2. **Superfund remedy:** we're preparing to host a ROD-signing event in the Santa Barbara area later next week for the Casmalia Landfill NPL site. This milestone has been reached with much support from state and local partners and a large PRP group.
3. **RA Mike Stoker** will meet with various senior leaders in EPA HQ and key Congressional representatives next Tuesday and Wednesday in Washington DC, accompanied by Chief of Staff Amy Miller.

## Region 10

### Hot Issues

**Consent Decree with Placer Mining Corporation Entered in District Court (ID):** On June 19, Judge Edward Lodge signed and granted Entry of the Consent Decree between the United States and Placer Mining Company in the District Court of Idaho. This settles the long-standing matter with Placer Mining Company (PMC) and Bob Hopper regarding the Bunker Hill Mine, paves the way for the Purchaser, Bunker Hill Mining Corporation (BHMC) to operate the mine and results in dismissal of a long-standing takings case against the United States. In return the United States will drop its countersuit against PMC. Under the terms of the Settlement Agreement with BHMC, which became effective May 15, 2018, the first installment of \$1,000,000 for past costs and \$480,000 for water treatment costs have been transmitted to EPA.

### Upcoming Major Decisions and Events

**Oregon Governor to visit Portland Harbor Superfund Site:** Oregon Governor Kate Brown will tour of the Portland Harbor Superfund Site on June 22. The Governor will be accompanied by the State's Portland Harbor Policy Analyst, Jim McKenna.

**Tribal Environmental Health Summit (OR):** Region 10's Senior Tribal Policy Advisor will represent the region's solid waste and indoor air programs at the national 2018 Tribal Environmental Health Summit in Corvallis, OR, on June 26. The theme of the Summit is *Sustaining Long Term Partnerships and Projects with Native American Communities*. Topics such as risk assessment, Traditional Ecological Knowledge and advancing tribal scientific capacity will also be discussed.

**Public Notice: Northwest Environmental Advocates Proposed Order of Stipulated Dismissal:** On Friday June 22, 2018, EPA will publish notice in the Federal Register and take public comment on a proposed order of stipulated dismissal that would partially resolve claims in Northwest Environmental Advocates v. US EPA, a case filed in the U.S. District Court for the Western District of Washington in February 2014. The public notice and comment process is being conducted in accordance with the Administrator's Directive on Transparency and Public Participation in Litigation. Although the stipulated dismissal does not resolve the case, EPA is working to finalize an agreement in principle that would conclude the litigation by remanding the remaining CWA claims to EPA for reconsideration.

**Reissuance of City of Kendrick NPDES Permit (ID):** Region 10 will be reissuing the NPDES permit for the City of Kendrick Wastewater Treatment Plant. The City uses a lagoon system to treat wastewater and discharges to the Potlatch River in Latah County, Idaho. This permit contains new limits and compliance schedules for Ammonia and Temperature. The City will have 6 years to meet final effluent limits for Ammonia.

**Final NPDES Permit for Kootenai-Ponderay Sewer District (ID):** Region 10 plans to issue a final NPDES permit to the Kootenai-Ponderay Sewer District in northern Idaho by July 1<sup>st</sup>, once we receive final Clean Water Act Section 401 certification from the Idaho Department of Environmental Quality. The permit will include new effluent limits for nitrogen and phosphorus due to impairments in the receiving waters and very little physical dilution of the effluent.

**Region 10 Proposes to Approve Quinault TAS Application (WA):** In May 2017, the Quinault Indian Nation submitted an application for Treatment in the Same Manner as a State for responsibilities of the CWA water quality standards and certification programs. On July 25, 2017, Region 10 requested input on the substance of the Quinault's application from the State of Washington Department of Ecology and the Commissioners of Grays Harbor and Jefferson Counties, and provided the public notice and an opportunity to comment on the Quinault's assertion of authority. The Decision Document, including responses to public comments, is currently routing through OITA and OW for review prior to undergoing the Region 10 final concurrence and signature, targeted for mid-July.

**Alaska Response Area Planning Restructuring:** The Alaska Department of Environmental Conservation, U. S. Coast Guard, and the U.S. Environmental Protection Agency - Region 10 are seeking public input on the structural changes from the multi-agency response planning structure currently known as the Alaska Federal/State Preparedness Plan for Response to Oil and Hazardous Substance Discharges/Releases (the Unified Plan) and the 10 Sub-area Plans to a Regional Plan and four Area Plans. The new planning structure will consist of the same information as is currently housed under the existing planning structure but with formatting that is more consistent with the National Contingency Plan.

## Office of Administration and Resources Management

### *Hot Issues*

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#### **OARM Issue Notice of Suspension to Former Yukon River Watershed Official**

On June 19, 2018, the EPA Suspension and Debarment Official (SDO) issued a Notice of Suspension to David Michael McGraw, the former Finance Director of the Yukon River Inter-Tribal Watershed Council. The Yukon River Inter-Tribal Watershed Council is an Indigenous grassroots non-profit organization consisting of 73 First Nations and Tribes. The Council is dedicated to the protection and preservation of the Yukon River Watershed, and a recipient of federal financial assistance from the EPA, the Department of Energy, and the National Science Foundation. The suspension is based on a seven-count indictment charging Mr. McGraw with theft or bribery concerning programs receiving federal funds, fraud and false statements pertaining to making and subscribing a false tax return, failing to disclose a business, and money laundering. The suspension immediately excludes Mr. McGraw from participating in federal procurement and non-procurement programs in order to protect the public interest pending completion of legal proceedings against him.

**OARM Terminates Collective Bargaining Agreement with NAIL, Gulf Breeze, Florida** On June 18, 2018, OARM notified the National Association of Independent Labor (NAIL), Gulf Breeze, Florida that it would terminate the Collective Bargaining Agreement with the union. Terminating the contract, is the first step in renegotiating the agreement to comply with recent executive orders regarding collective bargaining and official time.

### *Upcoming Major Decisions & Events*

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None



## Office of Air and Radiation

### Hot Topics

- **Tracking SIP Actions:**

- Total Number of SIPs submitted to Regions in FY 2018: 217
- Total Number of SIP Submittals with Final Action taken by the Regions in FY 2018: 184
- Total Number of Pending SIPs: 758

- **Packages at OMB for Review:**

- Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration (Proposed Rule)
- NESHAP: Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; and Surface Coating of Metal Furniture RTR (Proposed Rule)
- Protection of Stratospheric Ozone: Revisions to the Refrigerant Management Program's Extension to Substitutes (Proposed Rule)
- Renewable Fuel Standard Program: Standards for 2019 and Biomass-Based Diesel Volume for 2020 (Proposed Rule)
- Rulemaking to Establish Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy (Proposed Rule)
- Light - Duty Vehicle GHG Program Tech Amendments (Proposed Rule)
- Determination Regarding Good Neighbor Obligations for the 2008 NAAQS – Signature needed by June 29 (Proposed Rule)

- **Packages that will move soon to OMB for Review:**

- Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits (Final Rule)
- Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements
- Standards of Performances for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced Air Furnaces (NPRM)
- Standards of Performances for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced Air Furnaces (ANPRM)
- National Emission Standards for Hazardous Air Pollutants and New Source Performance Standards: Petroleum Refinery Sector Amendments (waiting on possible nonsignificant determination)

- **Packages that will move soon to Signature:**

- Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings (Withdrawal of Proposed Rule) – Note OAR is updating the package and will be submitting a new version to the 3<sup>rd</sup> floor soon.
- Mercury and Air Toxics Standards (MATS) Electronic reporting Requirements (Final Rule)

### Upcoming Major Decisions and Events

- **AWMA Conference:** Bill will be in Hartford, CT next Monday to give the keynote at the opening plenary session of AWMA's 111th Annual Conference on Charting the Future: The New EPA Strategic Plan
- **World Gas Conference:** Bill will be giving a speech next Friday at the World Gas Conference here in Washington, DC.

**Office of Chemical Safety and Pollution Prevention****IMPORTANT DEADLINES**

Row	Determination Type	Pending on 6/19/2018	Determinations Completed <sup>1</sup> as 6/19/2018	Determinations Posted on the Website as of 6/19/2018 <sup>6</sup>
1	# of "not likely" determinations	1	124 <sup>4</sup>	124 <sup>4</sup>
2	# of §5(e) Orders signed by both EPA and the submitter	-	405	400
3	# of §5(e) Orders signed by EPA and awaiting submitter signature	44	-	-
4	# of non-Order SNURs/"not likely" determinations	0	0	0
5	# of cases in post-FOCUS final determination development <sup>5</sup>	315 <sup>3, 5</sup>	-	-
6	# of cases flagged for in-depth review	39	-	-
7	# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	36	-	-
8	# of LVE/LOREX exemption grants	-	613	605
9	# of LVE/LOREX exemption denials	-	121	121
10	<b>Total number of cases</b>	<b>435</b>	<b>1263</b>	-
11	Normal active workload for the New Chemicals Program	300	-	-
12	Number of cases undergoing testing or data development by submitter	72 <sup>3</sup>	-	-
13	<b>Backlog<sup>2</sup></b>	<b>63</b>	-	-

<sup>1</sup>"Determinations Completed" means that EPA has completed its reviews on these cases and that final determinations have been made by EPA under TSCA section 5(a)(3).

<sup>2</sup> (Total number of cases) – (Normal active workload for the New Chemicals Program) - (Number of cases undergoing testing or data development) = Backlog

<sup>3</sup> Of these cases, approximately 58 are "active" lung toxicity cases that are suspended while submitters either conduct or are deciding whether to conduct testing to develop data on pchem properties, exposures and toxicity.

<sup>4</sup> "Not Likely" determinations are not posted until the final signed determination document is prepared and has been shared with submitter.

<sup>5</sup> These cases are those for which Post-FOCUS work is underway to develop: not likely determinations; non-Order SNURs coupled with not likely determinations; or section 5(e) or 5(f) Orders. When the OPPT Office Director decides which of these regulatory paths to follow, the case is moved to: Row 3 when the section 5(e) or 5(f) Order is sent to the submitter for signature; Row 4 when the SNUR is published and the not likely determination document is signed; and Row 1 when the determination document is sent to the OPPT OD for signature.

<sup>6</sup> These are all only final determinations posted on the web: grants and denials.

## HOT ISSUES

**Second Anniversary of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.** On June 22, EPA announced that it has met another set of milestones under the Toxics Substances Control Act, as amended by the Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act.

**Updating Hazard Standards to Reduce Exposures to Lead-Contaminated Household Dust.** On June 22, EPA will announce a proposal to lower standards for lead in dust for floors and window sills. The new proposed standards will be more protective and will be an important step to reduce lead exposure. These standards apply to most pre-1978 housing and child-occupied facilities, such as day care centers and kindergarten facilities.

**Guidance to Assist Companies, Increase Transparency and Improve the Review of New Chemicals Under TSCA.** On June 20, OCSPP issued guidance to improve transparency with the public and with companies seeking Agency review of their new chemical substances under the Toxic Substances Control Act (TSCA). The guidance, titled "*Points to Consider When Preparing TSCA New Chemical Notifications*," promotes early engagement and communication, and enhances overall understanding of EPA's technical review and analysis to better move chemicals through the evaluation process. *Points to Consider* provides important information on: general guidance relating to new chemical notices; preparation of pre-manufacture notices (PMNs), Significant New Use Notices (SNUNs), and exemption notices; EPA scientific approaches used in conducting PMN assessments; and best practices. OCSPP expects that use of this guidance will result in more robust submissions to the Agency.

**Strategy to reduce animal testing.** On June 22, EPA announced its Strategic Plan to reduce the use of vertebrate animals in chemical testing. The strategy promotes the development and implementation of alternative test methods and strategies to reduce, refine or replace vertebrate animal testing and incorporates input from public meetings and written comments.

**Final rule on reporting mercury manufacture and imports.** On June 22, EPA announced its final rule setting forth reporting requirements for the TSCA Mercury Inventory. The information collected through the new reporting requirements will be used to develop future inventories of mercury and mercury-containing product supply, use, and trade in the United States.

**CBI expanded access guidance.** On June 22, EPA announced guidance for state, tribal and local governments, medical personnel and emergency responders on sharing confidential business information (CBI). These guidance documents specify the process that will enable other governmental entities and medical personnel and emergency responders to request CBI information.

**Unique identifiers policy.** On June 22, EPA announced a policy and procedures for assigning unique identifiers to allow the public to better track information on chemicals while protecting CBI. An identifier will be applied to a substance, whose identity is protected as CBI, as well as to other related information or submissions concerning the same substance. This will allow the public to connect information related to the same substance, even while the specific identity is protected as confidential.

**Generic names guidance.** On June 22, EPA announced guidance on structurally descriptive generic names. This guidance will allow EPA to share more information with the public about the structure of substances while protecting the confidential elements of the substance's specific chemical identity. TSCA Submitters claiming the specific chemical identity of a chemical substance as CBI are required to supply a structurally descriptive generic name that can be disclosed to the public.

## Office of the Chief Financial Officer

### Hot Topics

- OCFO submitted the House Appropriations Committee FY 2019 Budget hearing Questions for the Record (QFRs) to the Hill on June 18. OCFO continues to work with the agency to review the Senate Appropriations Committee budget hearing transcript and develop responses to the SAC QFRs, which arrived last week. Dates have not been set yet for House or Senate floor action on EPA's appropriations bill.

### Upcoming Major Decisions and Events

- On June 19, the CFO issued a memorandum to the agency with the approach and agenda for the July 18 Senior Leadership Council Engagement Meeting with states, tribes, local and other leaders and the July 19 Budget and Planning Meeting. The memorandum and agenda outline expectations for these discussions, including information due to OCFO in advance of the meeting. On June 21, OCFO also distributed invitations, along with the agenda and preparation questions, to state (ECOS, NASDA, ASTHO), tribal (NTC), and local government (LGAC) participants. OCFO continues to coordinate with OCIR and OITA.
- OCFO is working with OCIR to reassess the approach to early engagement with the states on the National Program Guidances. OCFO has scheduled a meeting with the COO on June 26 to discuss.

## Office of Congressional and Intergovernmental Relations

### Upcoming Hot Issues and Important Deadlines

**June 22** – House Energy and Commerce Subcommittee on Environment will hold a hearing on:  
Advanced Biofuels under the Renewable Fuel Standard: Current Status and Future Prospects  
(No EPA witness)

### Upcoming Events

- **June 22** – Congressman Latta staff and HEC staff briefing on HABs in drinking water
- **June 25-26** – PFAS community engagement meeting in Exeter, NH w/OW, R1
- **June 26** – RPM Act discussion with House Energy and Commerce Committee staff
- **June 27** - LGAC will convene an administrative session via teleconference to discuss workgroup structure and membership to better address the committee and the Administrator's priorities
- **June TBD** – Senator Baldwin staff call on PFAS actions w/OW
- **June TBD**- Congressman Doyle staff briefing re: PFAS actions
- **TBD** – Cong. Peters (CA) TA re Point Loma WWTP legislation w/OW, OGC, R9
- **TBD** – Sen. Tester (MT) staff briefing on Elk River Watershed w/OW, R8
- **TBD** – Sen. Isakson (GA) staff briefing on new chemicals process w/OCSPP
- **TBD** – Approps staff briefing on PRIA fees w/OCSPP, OCFO
- **TBD** - SEPW/HEC staff briefing on TSCA first 10 chemical problem formulations w/ OSCPP
- **TBD** - Sen. Smith Hyde (MS) request to meet with Spartan on mosquito eradicator w/ OCSPP
- **TBD**- Congressman Boyle (PA) staff briefing re: PFAS actions w/ OW
- **TBD**- Sen. Peters (MI) staff call on PFAS actions w/OW
- **TBD**- Cong. Joyce (OH) request to brief Mentor, OH officials on GLRI (incl. potential funding)
- **TBD** – Sen. Schumer (NY) staff and constituent call on Goldshield antimicrobials w/ OCSPP

## Office of Enforcement and Compliance Assurance

### Hot Topics:

#### **Guilty Pleas Entered in Case Involving Millions of Pounds of Waste Illegally Trucked to Missouri**

On June 14, 2018, and June 19, 2018, Raymond Williams, Daryl Duncan, Penny Duncan, and U.S. Technology Corporation pled guilty in the Eastern District of Missouri to charges involving the transportation of 9 million pounds of hazardous waste from Mississippi to Missouri. Williams was the President, owner, and CEO of U.S. Technology Corporation (UST) which leased blasting material to various consumers for use in removal of paints and other materials. During the blasting process, heavy metals from the paint become imbedded in the material. Since the consumers leased the blasting material, consumers returned the heavy metal rich blasting material to UST upon completion. UST and Williams then shipped the hazardous waste to Missouri in violation of state and federal laws.

#### **Owner and Manager of Electronics Recycling Facility Plead Guilty for Hazardous Waste Offenses**

On June 20, 2018, Anthony Stoddard, owner of Stone Castle Recycling (SCR), pled guilty in the District of Utah to knowingly storing hazardous waste without a permit. Additionally, on June 20, 2018, Jamen Wood, SCR Project Manager, pled guilty to knowingly omitting material information or making a false material statement on a label, manifest, or other required document. Utah-based electronics recycler SCR received numerous computer monitors and televisions with Cathode Ray Tubes (CRTs), which contained high amounts of lead. After testing the CRT glass, EPA informed Stoddard that the waste exhibited the RCRA toxicity characteristic for lead. Wood then began to negotiate ways to get rid of the facility's stockpiles of millions of pounds of CRT glass. Wood contacted a landfill that would accept the glass, but charged more per ton for hazardous waste. Wood then decided to falsify the manifests that accompanied 152,000 pounds of glass that was transported as non-hazardous waste.

#### **National Green Environmental Management Systems Conference**

As part of an effort by OECA federal facility enforcement program to engage with the VA and other federal medical facilities on strategies to improve environmental compliance, OECA's federal facility enforcement office and Region 4's federal facility enforcement program staff participated in the U.S. Department of Veterans Affairs' National Green Environmental Management Systems conference held in Orlando, Florida on June 20, 2018. The conference, which was well-attended by VA environmental facility staff from around the country, covered a variety of important issues affecting VA medical and other facilities. OECA highlighted compliance issues impacting VA facilities, tools for coming back into compliance, EPA's national initiatives and priorities, and regulatory updates likely to impact VA facilities.

#### **Superfund Task Force Enforcement Listening Sessions**

In May and June 2018, OECA's Office of Site Remediation Enforcement hosted eight listening sessions with more than 650 participants on seven enforcement recommendations contained within the Agency's July 2017 Superfund Task Force Report. Participants consisted of external stakeholders representing the legal community (private attorneys and law schools); corporations and companies; state, municipal and tribal agencies; and environmental and other non-profit groups; and public citizens. The intent of the sessions was to provide a forum for EPA personnel to obtain stakeholder input on specific Superfund Task Force recommendations to increase public participation and transparency, and strengthen communication with stakeholders.

## Office of Environmental Information

No report for OEI this week



## Office of General Counsel

### Hot Topics

- *Ohio Valley Envtl. Coal., et al. v. Pruitt*, No. 17-1430 (4th Cir.). New development: On June 20, the Fourth Circuit Court of Appeals reversed the district court's grant of summary judgment against EPA and held that West Virginia's delay in developing total maximum daily loads ("TMDLs") for biologically impaired waters had "not yet amounted to a constructive submission of no TMDLs [under a doctrine] recognized by other courts." The court relied on (1) West Virginia's establishment to date of "some TMDLs that address biological impairments" and (2) the state's "credible plan," including an MOA with EPA to "develop TMDLs as soon as practicable." The court expressly declined to rule on the validity of the constructive submission doctrine itself.
- *South Coast Air Quality Mgmt. Dist. v. EPA*, No. 15-1115 (D.C. Cir.) New development: On June 20, the court ordered environmental petitioners to respond to EPA's petition for rehearing insofar as it asked the court to remand without vacatur certain provisions of a 2015 rule revoking the 1997 ozone standard, rather than with vacatur as its February 2018 opinion ordered. In the alternative, the court asked environmental petitioners to address whether an alternative, time-limited stay of vacatur would be appropriate. The court *did not* ask petitioners to respond to EPA's request that it rehear the merits of the case.
- *Sierra Club v. EPA*, No. 18-1167 (D.C. Cir.). New development: On June 18, the Sierra Club challenged an April 17, 2018 EPA memorandum that provides guidance for implementing Prevention of Significant Deterioration (PSD) preconstruction permitting program regulations under the Clean Air Act (CAA). The memorandum provides "significant impact level" (SIL) values that a PSD permitting authority may use to determine whether increased emissions from proposed construction at a stationary source will cause or contribute to a violation of the NAAQS and increments for ozone and PM<sub>2.5</sub>.
- *Texas Alliance for Responsible Growth, Env't & Transp. v. EPA*, No. 3:18-cv-00176 (S.D. Tex.). New development: On June 15, the plaintiff challenged the Army Corps and EPA's 2015 Rule defining "waters of the United States" under the Clean Water Act (CWA), claiming the Rule's assertion of jurisdiction over Texas Coastal Prairie (TCP) wetlands: (1) violates the APA because, inter alia, it is not a logical outgrowth of the proposed rule; (2) exceeds Congress's Commerce Clause authority; and (3) encroaches upon States' authority in violation of the Tenth Amendment, among other arguments.
- *California Communities against Toxics, et al. v. EPA*, No. 18-1163 (D.C. Cir.). New development: On June 12, eight environmental groups petitioned for review of EPA's 2008 Revisions to the Definition of Solid Waste (2008 DSW rule) and 2018 Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule (2018 DSW rule). In the 2018 DSW rule, EPA implemented the D.C. Circuit's two decisions on the Agency's 2015 DSW rule. Those two decisions vacated the 2015 DSW rule's "verified recycler exclusion" and reinstated the 2008 DSW rule's "transfer-based exclusion," among other things. The petition does not specify the issues challenged, although a contemporaneous administrative petition from the same parties suggests they will be challenging the reinstatement of the transfer-based exclusion, which was originally promulgated in the 2008 DSW rule.

## Office of International and Tribal Affairs

### Hot Issues:

**Transboundary Mining Issues in FY2019 Senate Appropriations Bill** - Two sections in the FY2019 Senate Appropriations Bill contain language relating to transboundary mining operations in British Columbia, Canada. In the first section, EPA is directed to continue its work with federal, state, tribal and local partners to monitor and reduce contaminants in the Kootenai Watershed in Montana, and to identify any remaining gaps in water quality information necessary to address contaminants found in the watershed. The second section is directed at the USGS and provides funding to install stream gauges on certain transboundary rivers, including the Unuk River in Alaska, and to develop a water quality strategy for transboundary rivers working with tribes and other federal agencies.

**North American Development Bank Board Meeting** – EPA (OITA), Treasury and State Department represented the USG in the North American Development Bank Board of Directors meeting in Mexico. The Board approved the certification and financing of three new water and wastewater projects along the U.S.-Mexico border that represent an investment of more than \$4.40 million and will provide grants totaling more than \$3.28 million to help finance the implementation of these projects. In addition, the Board discussed projects and technical assistance to address the Tijuana wastewater spill, and a held public meeting which included U.S. local government representatives from San Diego and Imperial Valley.

### Major Decisions/Events:

**Commission for Environmental Cooperation (CEC) Council Session** – The CEC Council, consisting of representatives from the U.S., Canada, and Mexico, will be meeting on June 26 and 27 in Oklahoma City. The U.S. (EPA Administrator) is the chair of this year's Council Session, which will focus on "Partnerships and Innovation for Green Growth."

**G7 Environmental Ministerial Preparation Meeting** – EPA and the State Department will be attending a G7 Environmental Ministerial preparatory meeting on June 28 and 29 in Montreal. Following guidance of the NSC, we will discuss the three topics proposed by Canada - climate and clean growth, sustainable finance, and resource efficiency including marine litter.

**U.S. Food Waste Summit** -EPA (OITA/OLEM) will attend the U.S. Food Waste Summit, hosted by Harvard's Food Law and Policy Clinic and ReFED (NGO committed to reducing food waste), on June 26-27. EPA will be hosting an international session that will highlight the experience of G7 countries in reducing their food loss and waste, as part of the G7 Bologna Roadmap on Resource Efficiency.

## Office of Land and Emergency Management

### Hot Topics

1. **Coal Combustion Residuals (CCR).** (see below)
2. **Clean Air Act 112(r) Risk Management Program (RMP) Reconsideration NPRM.** A public hearing was held on June 14<sup>th</sup>. There were 38 presenters that provided testimony and 25 observers (including three press representatives). Participants represented industry groups, environmental organizations, community groups, consulting firms, regulated facilities, and others. The public comment period ends July 30, 2018.
3. **Ongoing major Superfund NPL sites (including Colorado Smelter, East Chicago, West Lake, Bonita Peak, Hudson River, Portland Harbor, Mississippi Phosphates, Oak Ridge, Edwards AFB, Berry's Creek, American Cyanamid).**
4. **CERCLA 108(b) Financial Assurance – Next Three Sectors.** We are working with OGC, OP, and the AO to plan our approach to the next three sectors.
5. **PFAS.**
  - a. We are working with ORD and OW to develop groundwater cleanup recommendations for PFOA and PFOS.
  - b. OLEM is working with the AO, OGC, OECA and other AAships to look at available statutory mechanisms for PFOA and PFOS to be “hazardous substances” under CERCLA.
6. **Government Reorganization Plan.** The Plan released today includes some USDA and Interior Department cleanup of abandoned mines, to be consolidated into the Superfund Program.

### Upcoming Major Decisions and Events

1. **BUILD Act.** A notice to solicit comment on aspects of the BUILD Act was signed, and was sent to the FR for publication, which we expect the week of June 25<sup>th</sup>.
2. **Coal Combustion Residuals.**
  - a. The proposed rule is with OMB and we anticipate signature by June 25.
  - b. Oklahoma's CCR permit program was signed by the Administrator on the June 18th.
  - c. Georgia submitted its CCR permit program application to EPA.
3. **E-Manifest Launch.** We anticipate issuing a press release on June 29, for the launch on June 30. We are evaluating an OIG management alert which was provided today.
4. **Hazardous Waste Pharmaceuticals Final Rule.** This package was sent to OP. OMB review is targeted to begin by the end of June 2018.
5. **Hazardous Substances Spill Prevention Proposed Rule.** This rule package cleared OMB on Thursday, June 14. The rule was signed by the Administrator on Friday, June 15.

## Office of Policy

### Upcoming Major Decisions or Events

**World Congress of Environmental and Resource Economists** - On June 25, Al McGartland, Director of the National Center for Environmental Economics, will meet with economists from the United Kingdom and European Union in Sweden to discuss benefit-cost analysis in environmental regulatory programs.

**Permit Streamlining with Boeing** - On June 26, the Smart Sectors program will highlight key steps for streamlining the environmental permitting process through a press release and video that feature The Boeing Company and other stakeholders that collaborated on a successful permitting project in South Carolina.

### OP

#### Number of Actions to OFR this Year:

- Signed by Regions:
  - Notices: 46
  - Proposed Rules: 145
  - Direct Final Rules: 10
  - Withdrawal of Proposed Rule: 1
  - Withdrawal of Direct Final: 4
  - Final Rules: 117
- Signed by HQ:
  - Notices: 231
  - Proposed Rules: 38
  - NPRM Extension: 1
  - Direct Final Rules: 1
  - Withdrawal of Direct Final: 1
  - Interim Final: 2
  - Final Rules: 73
  - Corrections: 1

#### Number of Actions to OFR this Week (June 15 – June 21):

- Signed by Regions:
  - Notices: 1
  - Proposed Rules: 11
  - Direct Final Rules: 1
  - Withdrawal of Proposed Rule: 0
  - Withdrawal of Direct Final: 0
  - Final Rules: 11
- Signed by HQ:
  - Notices: 9
  - Proposed Rules: 1
  - NPRM Extension: 0
  - Direct Final Rules: 1
  - Withdrawal of Direct Final: 0
  - Interim Final: 1
  - Final Rules: 6
  - Corrections: 1

Active Interagency Reviews from OMB	
Title	OMB Due Date
DOL/MSHA RFI (Pass-back): "Retrospective Study of Respirable Coal Mine Dust Rule"	06/21/2018
FAR Case 2016-011 NPRM: "Federal Acquisition Regulation: Revision of Limitations on Subcontracting"	06/25/2018
DOI/BLM FRM: "Waste Prevention, Production Subject to Royalties, and Resource Conservation; Rescission or Revision of Certain Requirements"	07/03/2018

Documents Submitted to OFR from June 13 - 20, 2018		
FRL	Title	Date Submitted to OFR
9979-92-Region 4	Air Plan Approval; SC; VOC Definition	6/20/2018
9979-76-Region 8	Approval and Promulgation of Air Quality Implementation Plans; State of Montana; Revisions to PSD Permitting Rules	6/20/2018
9979-69-Region 8	Approval and Promulgation of Air Quality Implementation Plans; South Dakota; Revisions to the Permitting Rules	6/20/2018
9979-64-Region 8	Approval and Promulgation of State Implementation Plan Revisions; Colorado; Attainment Demonstration for the 2008 8-Hour Ozone Standard for the Denver Metro/North Front Range Nonattainment Area, and Approval of Related Revisions	6/20/2018
9977-64-Region 2	Outer Continental Shelf Air Regulations Update to Include New Jersey State Requirements	6/20/2018
9979-60-Region 9	Hawaii: Proposed Authorization of State Hazardous Waste Management Program Revisions	6/20/2018
9976-23-OEI	Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Correction of Misreported Chemical Substances on the TSCA Inventory	6/20/2018
9979-73-OGC	Proposed Stipulated Order of Partial Dismissal, Endangered Species Act Claims	6/20/2018
9979-29-Region 1	Approval and Promulgation of State Plans for Designated Facilities and Pollutants; New Hampshire; Delegation of Authority	6/20/2018

9979-87-Region 10	Air Plan Approval; AK; Interstate Transport Requirements for the 2010 Nitrogen Dioxide and Sulfur Dioxide National Ambient Air Quality Standards	6/19/2018
9979-84-Region 7	Approval of Missouri Air Quality Implementation Plans; Redesignation of the Missouri Portion of the St. Louis-St. Charles-Farmington, MO-IL 2008 Ozone Area to Attainment	6/19/2018
9979-80-Region 4	Air Plan Approval; SC: Multiple Revisions to Air Pollution Control Standards	6/19/2018
9979-78-Region 4	Air Plan Approval; SC; Definitions and Open Burning	6/19/2018
9979-70-Region 3	Commonwealth of Pennsylvania; Allegheny County Health Department, Withdrawal of Section 112(l) Delegation Authority for the Chemical Accident Prevention Regulations	6/19/2018
9979-88-OLEM	Oklahoma: Approval of State Coal Combustion Residuals Permit Program	6/19/2018
9979-83-OLEM	Clean Water Act Hazardous Substances Spill Prevention	6/19/2018
9978-50-OCSPP	Thiencarbazone-methyl; Pesticide Tolerance	6/19/2018
9978-08-OCSPP	Oxirane, 2-methyl-, polymer with oxirane, mono[2-[2-(2-methoxymethylethoxy)methylethoxy]methylether] ether; Tolerance Exemption	6/19/2018
9977-94-OCSPP	Benzovindiflupyr; Pesticide Tolerances	6/19/2018
9976-41-OCSPP	Acetochlor; Pesticide Tolerances	6/19/2018
9976-21-OCSPP	Tolfenpyrad; Pesticide Tolerances	6/19/2018
9979-30-OECA	Proposed Information Collection Request; Comment Request; See Item Specific ICR Titles Provided in the Text; Correction	6/19/2018
9979-79-Region 4	Air Plan Approval; North Carolina: New Source Review (NSR) for Fine Particulate Matter (PM2.5)	6/18/2018
9979-72-OAR	Public Hearing for and Extension of Comment Period on Review of the Primary National Ambient Air Quality Standard for Sulfur Oxides	6/18/2018
9979-50-OCSPP	Pesticides; Agricultural Worker Protection Standard; Notice of Availability	6/18/2018
9979-27-OARM	National Advisory Council for Environmental Policy and Technology	6/18/2018
9979-24-OARM	Acquisition Regulation: Removal of EPA Mentor Protégé Program	6/18/2018

9979-35-Region 9	Air Plan Approval; California; San Diego County Air Pollution Control District; Stationary Source Permits and Exemptions	6/18/2018
9979-36-Region 9	Outer Continental Shelf Air Regulations; Consistency Update for California	6/18/2018
9979-63-Region 4	Air Plan Approval and Air Quality Designation; Florida: Redesignation of the Hillsborough County Lead Area to Attainment	6/14/2018
9979-62-Region 4	Air Plan Approval; Tennessee; Regional Haze Plan and Prong 4 (Visibility) for the 2012 PM2.5, 2010 NO2, and 2010 SO2 NAAQS	6/14/2018
9979-61-Region 4	Air Plan Approval and Air Quality Designation; AL; Redesignation of the Pike County Lead Nonattainment Area to Attainment	6/14/2018
9979-66-Region 4	Air Plan Approval; TN: Revisions to New Source Review	6/14/2018
9979-65-Region 4	Air Plan Approval; Tennessee: Knox County NSR Reform	6/14/2018
9979-55-Region 3	Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Minor New Source Review Permitting	6/13/2018
9979-51-OW	Proposed Information Collection Request; Comment Request; Water Quality Standards Regulation (Renewal)	6/13/2018
9979-48-Region 10	Air Plan Approval; ID, Crop Residue Burning; Revision to Ozone Requirement	6/13/2018

## Office of Research and Development

Next week, Richard Yamada will accompany Bill Wehrum on a visit to OAR's National Vehicle and Fuel Emissions Laboratory (NVFEL), in Ann Arbor, Michigan, to tour the facility and meet with staff.

Bruce Rodan will travel to Anaheim, California for ASTHO's State and Environmental Health Directors Annual Meeting, where he will give an update on EPA's cooperative federalism efforts and ORD's strategic research planning. Bruce will also participate in a session at the National Environmental Health Association's Annual Meeting.

I am looking forward to my visit to Region 7 next week to learn about their recent Lean Management System roll-out. The visit will include a lab tour and a managers' roundtable on lessons learned.

### **Hot issues**

#### **Request for PFAS emissions testing**

On June 21, ORD, along with Region 3's Deputy RA, Cecil Rodrigues, and Air Protection Division management, met with the West Virginia Department of Environmental Protection (WVDEP) Deputy Secretary to discuss WVDEP's plans to formally request assistance from ORD to conduct PFAS emissions testing at a Chemours facility in Parkersburg, WV.

#### **Request for technical assistance on algal bloom event in Norton, KS**

Yesterday, ORD was asked to provide technical support to Region 7, the City of Norton, and the Kansas Department of Health and Environment for a toxic algal bloom event that is impacting the City of Norton's public water supply. A boil water advisory was issued on June 19.

#### **Follow-up on technical assistance for membrane failure at drinking water facility in Creston, IA**

As previously reported, ORD and OGWDW have been providing technical support to Region 7 and the Iowa Department of Natural Resources (IDNR) for a membrane failure that occurred on June 1, at a drinking water treatment plant in Creston, IA. ORD and OW continue to participate on calls with the region and state and provide technical input as needed. The manufacturer is examining the membranes to understand what factors resulted in membrane failure. The boil water advisory was lifted on June 10.

#### **Follow-up on technical assistance for toxic algal bloom event on Lake Detroit, OR**

ORD has been providing technical support to Region 10, the State of Oregon, and the City of Salem for a toxic algal bloom event on Detroit Lake, a reservoir that is a drinking water source for the city. As of June 19, the drinking water advisory remains in place and a recreational advisory was re-issued on June 15. On June 18, ORD received a request from the Oregon Department of Environmental Quality to help them set-up ELISA (enzyme-linked immunosorbent assay) tests, ORD is working out the details for these assays.

### **Upcoming Major Decisions and events (look out two weeks)**

#### **Air Sensors Workshop**

June 25-26, ORD with colleagues from OAQPS, OECA, the Regions, and states is convening a [ HYPERLINK "https://www.epa.gov/air-research/workshop-webinar-deliberating-performance-targets-air-quality-sensors" ] to deliberate setting performance targets for air sensor monitoring technologies. The workshop will focus on



performance issues related to PM<sub>2.5</sub> and ozone sensors, and has attracted interest from all over the world, including sensor manufacturers, state and local air agencies, and other private and public-sector representatives.

## Office of Water

### Hot Issues

Per- and poly-fluoralkyl (PFAS) Community Engagement: On June 25 and 26, the EPA will hold the first of the PFAS community engagement events in Exeter, New Hampshire. Currently approximately 150 participants from states, federal partners, nonprofit organizations, and the general public have registered to attend. Following on the National PFAS Leadership Summit, this event will allow EPA to hear directly from New England communities and other participants on how to best help states and communities facing this issue. Meetings in Pennsylvania, Colorado and North Carolina are being coordinated for later in the summer.

Concentrated Animal Feeding Operation (CAFO) Regulatory Assessment: Next week, the EPA anticipates completing our final commitment under the Chesapeake Bay Foundation settlement agreement to assess whether revisions to the CAFO regulations are necessary to achieve the animal agriculture objectives in the Bay states' Chesapeake Bay Total Maximum Daily Load (TMDL) Watershed Implementation Plans. Per the settlement agreement, the evaluation must be completed and made publicly available by June 30, 2018.

Puerto Rico SRF: On June 30, the forbearance period will expire. The EPA is currently in negotiations with the Puerto Rico Aqueduct and Sewer Authority (PRASA) and their contractors to address the forbearance (i.e., reprieve from mandatory loan repayments and interest) on the debt to the SRFs. We are coordinating with USDA and Treasury, and are exploring options to address the expiration.

WIFIA: This week, the EPA closed the 2<sup>nd</sup> WIFIA loan to the City of Omaha in the amount of \$69.7 million for the construction of a retention treatment basin to address combined sewer overflows in the Saddle Creek Basin as required by the city's consent decree, Clean Water Act permit, and long term control plan. This project will address water quality concerns in Papillion Creek and the Missouri River by removing an estimated 1.2 billion gallons of combined sewage discharge into the Little Papillion Creek, and removing floatables and other solids from combined sewer overflows.

Waters of the United States: Last week, the EPA and Department of the Army transmitted the proposed rule to redefine "waters of the United States" consistent with direction in Executive Order 13778.

Water Directors Meeting: Next week, the Office of Water will welcome the Water Directors from our 10 Regional Offices. We will touch on a number of topics over the course of this meeting and are pleased to have both the Deputy and Henry Darwin join us for discussions on Risk Communications and EPA's Lean Management System respectively.